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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Petition of the Bell Atlantic Telephone Companies for)
Forbearance from Regulation as a Dominant Carriers) CC Dkt 99-24
in Delaware; Maryland; Massachusetts; New Hampshire;)
New Jersey; New York; Pennsylvania; Rhode Island;)
Washington, DC; Vermont; and Virginia)

COMMENTS OF
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ENCLOSURE

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SUMMARY

The Bell Atlantic request is one of several filed by Bell Operating Companies (“BOCs”) urging the Commission to deregulate their provision of special access services. KMC urges the Commission to establish an orderly process for consideration of these requests by denial of the instant petition on the basis of one of the several deficiencies outlined in these comments that are shared by these petitions and then summarily deny all the other petitions on the same grounds.

Bell Atlantic has failed to show that it is non-dominant in the provision of special access service anywhere in its region. It does not make a serious attempt to address the factors - market share, elasticities of supply and demand, and its own size and resources - that the Commission has used to evaluate non-dominance. Instead, because it cannot justify deregulation under traditional standards, Bell Atlantic seeks to persuade the Commission to deregulate its provision of special access on the basis of an ill-defined, and unpersuasive construct - “addressability.” Bell Atlantic’s showing is also flawed in that it relies on DS-1 equivalents, a self-serving method of measuring competition that does not provide a basis for making any conclusions concerning the extent of special access competition.

The Commission should determine that DSL service is not within the scope of the petition and should make clear that a minimum precondition of granting any pricing flexibility to incumbent LECs is their fully opening their markets to competition. Because Bell Atlantic has not shown that it is non-dominant in provision of special access services, it would not be in the public interest to grant the deregulation it seeks. Therefore, it has not met the standard for forbearance under Section 10 of the Act and the petition should be denied.

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COMMENTS OF
KMC TELECOM, INC.

KMC Telecom, Inc. ("KMC") respectfully submits the following comments in opposition to the above-captioned petition ("Petition")¹ filed by the Bell Atlantic Telephone Companies ("Bell Atlantic") requesting that the Commission forbear under Section 10 of the Communications Act of 1934, as amended,² for regulation of its provision of special access services in the 12 states in its region.

KMC is authorized to provide, through its subsidiaries, competitive local and long distance services in 18 states, and Puerto Rico, and is operational in eleven states (Alabama, Florida, Georgia, Indiana, Kansas, Louisiana, Minnesota, North Carolina, Texas, Virginia, and Wisconsin). KMC has installed state-of-the-art networks in Huntsville, Alabama; Melbourne,

¹ Petition of the Bell Atlantic Telephone Companies for Forbearance from Regulation as a Dominant Carriers in Delaware; Maryland; Massachusetts; New Hampshire; New Jersey; New York; Pennsylvania; Rhode Island; Washington, DC; Vermont; and Virginia (filed January 20, 1999). See Public Notice, DA 99-24, CC Docket No. 99-224.

² 47 U.S.C. Section 160. Section 10 was added to the Communications Act by the Telecommunications Act of 1996, Pub L. No. 104-104, 110 Stat. 56.

Pensacola, Sarasota & Tallahassee, Florida; Savannah and Augusta, Georgia; Topeka, Kansas; Baton Rouge and Shreveport, Louisiana; Greensboro and Winston-Salem, North Carolina; Corpus Christi, Texas; Roanoke, Virginia; and Madison, Wisconsin, and will build similar networks in several other cities in the Southeast and Midwest.

I. THE COMMISSION SHOULD ESTABLISH AN ORDERLY PROCESS FOR CONSIDERATION OF PRICING FLEXIBILITY REQUESTS

The Bell Atlantic Petition is one of a series of petitions filed by the Regional Bell Operating Companies ("RBOCs") requesting that the Commission forbear from price regulation of their provision of special access services. US West has filed a petition requesting forbearance concerning its provision of high capacity services in Seattle, Washington and has stated that it intends to file for more cities.³ SBC has filed a petition requesting forbearance for 14 MSAs in its region.⁴ Ameritech has filed a petition for the Chicago, Illinois LATA and has stated that it intends to file for more cities in its region.⁵ All of these petitions are similar in terms of the relief requested and for the services for which forbearance is requested, and additionally rely on similar arguments and showings. The RBOCs have also raised the same issues repeatedly in the

³ Petition of US WEST Communications, Inc., for Forbearance from Regulation as a Dominant Carrier in the Seattle, Washington, MSA (filed Dec. 30, 1998). *See Public Notice*, DA 99-104, CC Docket No. 99-1 (January 4, 1999).

⁴ Petition of SBC Communications, Inc. for Forbearance from Regulation as a Dominant Carrier for High Capacity Dedicated Transport Services in Fourteen Metropolitan Service Areas (filed Dec. 7, 1998). *See Public Notice*, CC Docket No. 98-227 (December 8, 1998).

⁵ Petition of Ameritech for Forbearance from Dominant Carrier Regulation of its Provision of High Capacity Services in the Chicago LATA (filed Feb. 5, 1999). *See Public Notice*, DA 99-334, CC Docket No. 99-65 (February 16, 1999).

Commission's *Access Reform Proceeding*.⁶ These issues were raised in that proceeding in initial comments, in numerous *ex parte* presentations, and in response to the Commission's recent request to refresh the record in that proceeding on these very same issues.⁷ SBC also raised essentially the same issues in its separate petition for forbearance concerning the Commission's biennial review obligations under Section 11 of the Act.⁸

KMC urges the Commission to impose some discipline on the RBOCs' requests for forbearance and to establish a more orderly mechanism for consideration of these issues than repetitious forbearance petitions. Smaller carriers are likely to be most sensitive to the competitive consequences of the relief requested in these petitions, but have the least resources to effectively participate in these repetitious RBOC filings.

While parties may request forbearance under Section 10, the Commission could provide for a more orderly consideration of these issues by promptly denying one of the RBOC forbearance petitions on the basis of any of the many defects that these petitions share, and then summarily denying all the others, and future ones, on the same ground. For example, as

⁶ *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate Structure and Pricing, Usage of the Public Switched Network by Information Service and Internet Access Providers*, Notice of Proposed Rulemaking, Third Report and Order, and Notice of Inquiry, CC Docket Nos. 96-262, 94-1, 91-213, 96-263, 11 FCC Rcd 21354 (1996) ("*Access Charge Reform NPRM*").

⁷ *Commission Asks Parties to Update and Refresh Record For Access Charge Reform and Seeks Comment on Proposals For Access Charge Reform Pricing Flexibility*, Public Notice, FCC 98-256, released October 5, 1998.

⁸ *See 1998 Biennial Regulatory Review -- Petition for Section 11 Biennial Review*, Notice of Proposed Rulemaking, CC Docket No. 98-177, FCC 98-238, released November 24, 1998.

explained below, it would be contrary to the public interest to grant the pricing flexibility requested by the RBOCs until they have demonstrated that they have opened their markets to competition. Deregulation prior to opening of markets to competition would diminish any incentive to comply with the market-opening requirements of the Act. Further, it was the Commission's own proposal in the *Access Reform Proceeding* that opening of markets to competition would be a precondition to a grant of any pricing flexibility.⁹ Thus, the Commission could deny the petitions on the ground that it could not make the requisite public interest finding under Section 10(a)(3) because none of the RBOCs for any state has shown that they have fully opened their markets to competition.¹⁰ Or, as also explained below, the Commission could deny any of the petitions because they all rely to a significant extent on "DS-1 equivalents" to demonstrate the existence of competition.

Accordingly, KMC urges the Commission promptly to deny the instant petition on the grounds stated in these comments and then summarily deny all the others. The Commission should state that it will consider pricing flexibility issues in the *Access Reform Proceeding* - the proceeding that it established to consider ILEC requests for pricing flexibility in the first place.

II. BELL ATLANTIC HAS FAILED TO SHOW THAT IT IS NON-DOMINANT IN PROVISION OF SPECIAL ACCESS SERVICE

⁹ *Access Reform NPRM*, para. 163.

¹⁰ Although the Commission could deny the Bell Atlantic and other RBOC forbearance petitions on the grounds that they had not demonstrated that they had opened their markets to competition, that does not mean that pricing flexibility would be justified solely on the basis of compliance with market opening conditions. Rather, incumbent carriers must additionally show by probative and appropriate tests the existence of substantial actual competition. Thus, compliance with market opening conditions is a necessary, but not sufficient, foundation for granting pricing flexibility.

In determining whether a carrier has market power, the Commission has considered several factors: market share, supply and demand elasticities, and the carrier's size and resources.¹¹ Bell Atlantic has failed to show that it lacks market power under these factors. In fact, it does not seriously attempt to make a demonstration that it is non-dominant by reference to market share, supply and demand elasticities, or size and resources. Instead, as discussed below, Bell Atlantic seeks to persuade the Commission to reclassify it as non-dominant on the basis of a new, ill- defined concept - "addressability" - because it cannot meet the established test for non-dominance.

Concerning market share, Bell Atlantic alleges that its average market share loss for high capacity services is 31.9% citing a study by Quality Strategies.¹² However, Bell Atlantic has failed to provide this Quality Strategies study or even provide a cursory description of how it was conducted. KMC submits that it is not possible to assess Bell Atlantic's allegation of market share loss without a complete disclosure of any study, its methodology, and the underlying data that it asks the Commission to rely on. Therefore, Bell Atlantic has not provided any basis for concluding that it is non-dominant in provision of access services because it has not adequately shown its market share of special access services.

Moreover, Bell Atlantic's market share estimates are region-wide estimates. Average, region-wide market share estimates are not appropriate measures of market share because forbearance should not be considered on a region-wide basis. Some markets are sure to be more

¹¹ *Motion of AT&T Corp. To Be Reclassified as a Non-Dominant Carrier*, 11 FCC Rcd 3271 (1995) ("*AT&T Non-Dominance Order*").

¹² McDermott/Taylor Affidavit at 21.

competitive than others and the fact that a significant degree of competition may exist in one market does not imply that Bell Atlantic no longer enjoys an overwhelming market share in other areas. The Commission should reject region-wide market share estimates as a relevant basis for assessing market power.

Bell Atlantic has also failed to demonstrate that there are sufficient elasticities of supply and demand operating throughout its region to justify forbearance. For the most part, it provides only vague, conclusory allegations of supply and demand elasticities. While it has submitted diagrams of the facilities of some competitive entrants, these diagrams, to the extent anything can be surmised from them, show that there are more areas in every state where these competitors' facilities do not extend, rather than the other way around. Bell Atlantic's references to the Commission's findings concerning the interexchange market are simply irrelevant to the special access market.¹³ Moreover, Bell Atlantic has ignored the fact that termination penalties it imposes on its special access customers inhibit their ability to switch to competitors. It has also ignored the fact that until such time as Bell Atlantic fully opens its markets to competition there will be substantial barriers to entry or provisioning of new service by competitors. As long as competitors are dependent on inadequate provision of OSS, slow or unavailable collocation or provisioning of unbundled network elements ("UNEs"), there will be significant barriers to entry. KMC submits that there is no basis for finding that there are no barriers to entry or that there are significant elasticities of supply and demand until such time as Bell Atlantic eliminates all

¹³ Mcdermott/Taylor Affidavit p. 16.

termination penalties and fully opens its markets to competition by reference to some objective measure.

Moreover, it is also evident that Bell Atlantic's size and resources will dwarf those that competitors can bring to bear in the local market. While some competitors are large customers, they do not have the ability to deploy the facilities and personnel in any given local market that Bell Atlantic possesses by virtue of its status as the incumbent LEC. Therefore, Bell Atlantic's size and resources preclude a finding of non-dominance. Bell Atlantic has not justified a finding of non-dominance by reference to the factors that the Commission has used in previous cases and that must form the underpinnings of any such finding.

II. BELL ATLANTIC'S "ADDRESSABILITY" SHOWING DOES NOT JUSTIFY FORBEARANCE

Instead of a serious attempt to satisfy the traditional prerequisites for a finding of non-dominance Bell Atlantic offers a new theory of non-dominance -- "addressability." KMC submits that "addressability" is an artificial, invented construct that is intended to mask the fact that Bell Atlantic cannot at this time make the showings traditionally necessary to show lack of market power. In this regard, Bell Atlantic's addressability argument is similar in approach to its earlier filed flexibility proposal in the *Access Reform Proceeding* on which the Commission sought comment last Fall by which Bell Atlantic seeks to obtain sweeping deregulation on the basis of a combination of half-way steps toward meeting the preconditions envisioned by the Commission for granting pricing flexibility rather than a thorough demonstration of all of the elements necessary to justify price deregulation.¹⁴

¹⁴ See KMC Comments filed October 26, 1998.

Bell Atlantic's essential claim in support of the requested nearly total deregulation of special access services throughout its region is its statement that 90 percent of special access "market demand" is "addressable" by competitors. As noted previously, Bell Atlantic has not adequately shown that elasticities of supply and demand exist such that the Commission could conclude that competitors could readily serve a significant percentage of Bell Atlantic's special access customers. Nor has it addressed its own termination penalties that prevent customers from switching or the fact that competitors cannot readily provide service when they are dependent on Bell Atlantic for essential inputs.

Moreover, Bell Atlantic has not shown that collocation by competitors in Bell Atlantic central offices warrants a conclusion that any significant percentage of its special access services could actually be served by competitors. Bell Atlantic's general statements that competitors have collocated facilities does not show that competitors can actually serve any particular level of demand. Bell Atlantic would need to provide a complete description of collocated facilities, the wire centers in which they are located, and the actual ability of the collocated facilities to provide service to specific customers in order for the Commission to draw any conclusions on the extent to which collocation enables competitors to "address" Bell Atlantic special access demand. Too many other factors can prevent collocated carriers from providing service to justify Bell Atlantic's unwarranted assumption that collocation at a central office where Bell Atlantic provides service is equivalent to being able to serve Bell Atlantic's customers. These factors include the availability of additional collocation space to already collocated or new competitors, the ability to obtain key Section 251 network features and elements free from unreasonable restrictions and delays, and adequate pricing.

The Commission should also reject Bell Atlantic's claim that competitors can readily serve the great majority of its customers because only a few wire centers represent a large percentage of special access demand.¹⁵ In fact, Table 4 in the McDermott/Taylor Affidavit submitted by Bell Atlantic shows just the opposite. This table shows that in areas where competition is greatest, *i.e.*, the largest metropolitan areas, there is no significant concentration of DS-1 equivalent channels in a few central offices. Rather, it is only in smaller areas such as Altoona, Pennsylvania where there is any major concentration of DS-1 equivalent channels in collocated wire centers. Thus, in the metropolitan New York LATA 58.7% of collocated wire centers have 95.6% of DS-1s in the LATA, whereas in the Altoona LATA 6.9% of collocated wire centers have 81.0% of DS-1 equivalent channels. Table 4 of the McDermott/Taylor affidavit is striking in that it clearly shows that in the large metropolitan areas addressability - to use Bell Atlantic's terminology - is not concentrated in relatively few offices but is widely dispersed. KMC submits that the Commission could not rationally rely on the view that demand is concentrated in few central offices to support the sweeping, region-wide relief requested when Table 4 shows that this possibly is true only in the smallest LATAs.

The Commission should also reject Table 1 in the McDermott/Taylor affidavit as providing any substantial evidence that a relatively small number of wire centers account for the vast majority of special access demand. This Table presents the percent of each state's equivalent DS-1 channels that are contained within the "major" Bell Atlantic wire centers and the percent of an individual state's wire centers that can be categorized as major Bell Atlantic wire

¹⁵ McDermott/Taylor Affidavit at 24.

centers. For example, this Table states that in New York 94.6% of DS-1 equivalent demand is located in major wire centers in that state and that 21.8% of the wire centers in that state are major wire centers.

However, as best anyone can tell from the meager and cryptic explanation provided with Table 1, Bell Atlantic defines a major wire center as a wire center that is among the top 20% of all wire centers in its region as measured by DS-1 equivalents.¹⁶ Thus, the McDermott/Taylor affidavit first selects for purposes of this table the top 20% DS-1 equivalent wire centers anywhere in Bell Atlantic's region and then presents the percent of DS-1 equivalent demand served by those wire centers in each state. It is not exactly a surprise that these wire centers turn out to have a large share of DS-1 equivalent demand. Table 1 shows nothing more than that the top DS1 equivalent wire centers are by definition the top DS1 equivalent wire centers.

KMC submits that in order to show that relatively few wire centers account for most DS1 equivalent demand Bell Atlantic should present data for each state or LATA showing the total number of wire centers and the DS1 equivalent demand for each and where they are located. This would permit a more realistic assessment of the extent to which DS-1 demand is located in relatively few wire centers. The methodology of Table 1, by basing its analysis on the largest wire centers region-wide, masks the real distribution of special access demand in any individual state or LATA. Because the DS1 equivalent demand in New York City and a few other cities probably dwarfs that of the rest of the region, the use of region-wide DS1 equivalents does not show that competition exists throughout the Bell Atlantic region. Thus, it is probably no

¹⁶ McDermott/Taylor affidavit p. 10, fn. 9.

accident that Table 1 does not show the percentage of the total major wire centers in the region that are located in each state. KMC submits that without a total picture of all wire centers and the DS1 equivalent demand in each, it is not possible to form any basis of the extent to which competition exists throughout the Bell Atlantic region. Further, because the region wide approach to defining major wire centers of the McDermott/Taylor affidavit does not provide data for the major markets, it is not possible to form any conclusions about them. Accordingly, the Commission should reject Table 1 because it does not provide an adequate or accurate picture of DS1 equivalent demand in the markets within Bell Atlantic's region.

Table 3 of the McDermott/Taylor affidavit also does not provide any basis for concluding that a significant percentage of Bell Atlantic special access demand is subject to competition. This table purports to show the percent of access demand "exposed to competitive alternatives" in each state. However, Bell Atlantic does not explain what it means by "exposed to competitive alternatives." This is too vague to warrant any findings concerning the state of competition in Bell Atlantic's service territory. Similarly, Bell Atlantic fails to provide any description of how the results reported in Table 3 were calculated. As with other Bell Atlantic exhibits, it is also drawn from undisclosed "Bell Atlantic Data." Therefore, this exhibit consists of no more than unsubstantiated allegations that cannot form the basis for a finding of lack of market power.

KMC also points out that Bell Atlantic has not presented any information showing that it "lacks market power because the vast majority -- approximately 90 percent -- of its special

access customers have a competitive alternative through an array of competitive facilities."¹⁷

Contrary to its statement, Bell Atlantic has completely failed to show that 90 percent of its access customers have competitive alternatives available. Bell Atlantic's presentation of DS1 equivalent demand has no relation to the number of customers served by Bell Atlantic or competitors since DS1 equivalents is based on capacity not number of customers.

III. DS1 EQUIVALENTS DO NOT PROVIDE AN ADEQUATE BASIS FOR ASSESSING COMPETITION

KMC submits that DS-1 equivalents do not provide an accurate or complete picture of the state of competition in a given market. A DS-3 service is equivalent to 28 DS-1s. Thus, a 50% market share could be achieved on the basis of DS-1 equivalents when a competitive LEC is providing one DS-3 circuit to one customer in one building in the MSA and Bell Atlantic is providing 28 DS-1s to 28 separate customers throughout the MSA. At the same time, rates for DS-3 service are not 28 times the rates for DS-1 service. Therefore, Bell Atlantic could continue to be enjoying the lion's share of revenues for DS-1 equivalent channels even though competitors could be providing a significant percentage of DS-1 equivalent capacity. It is no accident that Bell Atlantic and its consultants have not provided comparative customer or revenue figures. KMC submits that these comparisons would show Bell Atlantic is the dominant provider of special access services in its region. KMC believes that any estimate of market share of competitive LECs must be based on a more complete picture of market presence than the self-serving and gross measure of DS-1 equivalents.

¹⁷

Petition, p. 5.

IV. DEREGULATION SHOULD NOT BE GRANTED ABSENT COMPLIANCE WITH THE MARKET OPENING PROVISIONS OF THE ACT

In the *Access Reform Proceeding*, the Commission envisioned a phased approach to pricing flexibility in which some pricing flexibility could be granted as soon as incumbent LECs have demonstrated that they have opened their markets to competition measured by reference to some appropriate test.¹⁸ Later, when actual, substantial competition had developed greater pricing flexibility could be granted up to and including forbearance of the type envisioned by Bell Atlantic in this proceeding.

Bell Atlantic's request for forbearance conveniently ignores the Commission's phased conception of the basis for establishing pricing flexibility and any obligation on its part to comply with the key interconnection, unbundling, resale and other obligations of the 1996 Act designed to achieve local service competition. Bell Atlantic has ignored this point since it is a long way from complying with an objective measure of opening its markets to competition such as Section 271 of the Act. Bell Atlantic's Petition represents an effort to obtain price deregulation far in advance of the time when it would be appropriate to be granted.

V. THE PETITION SHOULD NOT APPLY TO DSL SERVICE

The Commission recently determined that DSL service is a special access service.¹⁹ Thus, DSL service could fall within the scope of Bell Atlantic's request for deregulation of special access services throughout its service area.

¹⁸ *Access Reform NPRM*, para. 163.

¹⁹ GTE Tel. Operating Cos. GTOC Transmittal No. 1148, CC Docket No. 98-79, FCC 98-292, Memorandum Opinion and Order (rel. October 30, 1998).

However, the Bell Atlantic petition does not mention DSL service or present any showings with respect to it. Moreover, there are a number of issues concerning DSL that are distinct from special access services. First, Bell Atlantic offers DSL service to end users. KMC submits that price deregulation of a consumer service would require a far more substantial showing than the vague, poorly supported, and non-probative showing of non-dominance offered by Bell Atlantic.

In addition, DSL service is a current focus of the Commission's efforts to promote the provision of advanced services.²⁰ The Commission should be sensitive to the probable consequences of deregulation of Bell Atlantic's provision of DSL service to the achievement of the Commission's advanced services goals. In particular, DSL is a relatively new service that competitors are just beginning to provide. At the same time, Bell Atlantic and other incumbent LECs are attempting to thwart competitors efforts to provide DSL by refusing to provide the conditioned loops and subloop unbundling or to permit loop spectrum sharing that are necessary for provision of DSL service. It is also possible that Bell Atlantic is about to engage in a major price squeeze for DSL service.²¹ KMC submits that, apart from concerns about deregulation of

²⁰ See *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Notice of Proposed Rulemaking, CC Docket No. 98-147, FCC 98-188, released August 7, 1998 ("*Section 706 NRPM*").

²¹ Bell Atlantic's arrangement with America Online for provision of DSL could preclude any meaningful competition to Bell Atlantic's provision of DSL service. Thus, Bell Atlantic's current lowest price for DSL service is \$49.95/month but America Online has announced that it will charge that price for a package of its online service plus DSL provided from Bell Atlantic. Because America Online currently charges \$19.95/month for its service alone, Bell Atlantic must be planning to drop substantially its price for DSL service potentially to as low as \$20.95. A price drop of this magnitude could prevent UNE-based competitors from effectively competing with Bell Atlantic's DSL service.

longstanding special access services, it would be very ill-advised to deregulate a new service before new entrants have any market share and safeguards are not in place to assure that incumbents provide new entrants necessary underlying network elements. For these reasons, if the Commission were to grant the Bell Atlantic petition in any other respect it should not do so with respect to DSL service.

VI. THE BELL ATLANTIC PETITION FAILS TO MEET THE STATUTORY STANDARD FOR FORBEARANCE

Under Section 10(a) of the Communications Act, the Commission must forbear from enforcing a regulatory requirement if (1) enforcement of such regulation is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable; (2) enforcement of such regulation is not necessary for the protection of consumers; and (3) forbearance from applying such regulation is consistent with the public interest.²²

KMC submits that the Commission could not make these findings in this case. First, for the reasons discussed, Bell Atlantic has not shown that it lacks market power in provision of high capacity services that would enable the Commission to rely on market forces, rather than regulation, to assure that prices for high capacity services are reasonable. In addition, the Commission could not conclude that forbearance would be consistent with the public interest. Absent compliance with the market opening provisions of the Act, it would not be in the public interest to substantially deregulate incumbent LECs because there would be no assurance that

²² 47 U.S.C. Sec. 160(a).

they could not engage in conduct that would thwart competition. Accordingly, the Commission must deny Bell Atlantic's request for forbearance.

VII. CONCLUSION

For these reasons, KMC urges the Commission to deny Bell Atlantic's request for forbearance from dominant carrier regulation for provision of special access services.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Patrick J. Donovan", written over a horizontal line.

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Dated: March 18, 1999

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CERTIFICATE OF SERVICE

I, Candise M. Pharr, hereby certify that on this 18th day of March, 1999, I served a copy of the foregoing Comments of KMC Telecom, Inc. by hand delivery or first-class mail on the following active parties:



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